

By: Denny

H.B. No. 1706

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a voter to present proof of identification.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 63.001, Election Code, is amended by
5 amending Subsections (b), (c), (d), and (f) and adding Subsection
6 (g) to read as follows:

7 (b) On offering to vote, a voter must present to an election
8 officer at the polling place the voter's voter registration
9 certificate and either:

10 (1) one form of identification listed in Section
11 63.0101(a); or

12 (2) two different forms of identification listed in
13 Section 63.0101(b) [to an election officer at the polling place].

14 (c) On presentation of the documentation required by
15 Subsection (b) [a registration certificate], an election officer
16 shall determine whether the voter's name on the registration
17 certificate is on the list of registered voters for the precinct.

18 (d) If the voter's name is on the precinct list of
19 registered voters and the voter's identity can be verified from the
20 proof presented, the voter shall be accepted for voting.

21 (f) After determining whether to accept a voter, an election
22 officer shall return the voter's documentation [~~registration~~
23 ~~certificate~~] to the voter.

24 (g) If the requirements for identification prescribed by

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1 Subsection (b) are not met, the voter may be accepted for
 2 provisional voting only under Section 63.011.

3 SECTION 2. Section 63.006(a), Election Code, is amended to
 4 read as follows:

5 (a) A voter who, when offering to vote, presents a voter
 6 registration certificate indicating that the voter is currently
 7 registered in the precinct in which the voter is offering to vote,
 8 but whose name is not on the precinct list of registered voters,
 9 shall be accepted for voting if the voter's identity can be verified
 10 from the proof presented.

11 SECTION 3. Section 63.007(a), Election Code, is amended to
 12 read as follows:

13 (a) A voter who, when offering to vote, presents a voter
 14 registration certificate indicating that the voter is currently
 15 registered in a different precinct from the one in which the voter
 16 is offering to vote, and whose name is not on the precinct list of
 17 registered voters, shall be accepted for voting if the voter's
 18 identity can be verified from the proof presented and the voter
 19 executes an affidavit stating that the voter:

20 (1) is a resident of the precinct in which the voter is
 21 offering to vote or is otherwise entitled by law to vote in that
 22 precinct;

23 (2) was a resident of the precinct in which the voter
 24 is offering to vote at the time that information on the voter's
 25 residence address was last provided to the voter registrar;

26 (3) did not deliberately provide false information to
 27 secure registration in a precinct in which the voter does not

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1 reside; and

2 (4) is voting only once in the election.

3 SECTION 4. Section 63.008(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who does not present a voter registration
6 certificate when offering to vote, but whose name is on the list of
7 registered voters for the precinct in which the voter is offering to
8 vote, shall be accepted for voting if the voter executes an
9 affidavit stating that the voter does not have the voter's voter
10 registration certificate in the voter's possession at the polling
11 place at the time of offering to vote and the voter's identity can
12 be verified from the proof presented [~~voter presents proof of~~
13 ~~identification in a form described by Section 63.0101~~].

14 SECTION 5. Section 63.0101, Election Code, is amended to
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

17 (a) The following documentation is an acceptable form [~~as proof~~] of
18 photo identification under this chapter:

19 (1) a driver's license or personal identification card
20 issued to the person by the Department of Public Safety that has not
21 expired or that expired no earlier than two years before the date of
22 presentation [~~or a similar document issued to the person by an~~
23 ~~agency of another state, regardless of whether the license or card~~
24 ~~has expired~~];

25 (2) a United States military identification card that
26 contains the person's photograph [~~form of identification~~
27 ~~containing the person's photograph that establishes the person's~~

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1 ~~identity];~~

2 (3) a valid employee identification card that contains
3 the person's photograph and is issued by an employer of the person
4 in the ordinary course of the employer's business [~~birth~~
5 ~~certificate or other document confirming birth that is admissible~~
6 ~~in a court of law and establishes the person's identity];~~

7 (4) a United States citizenship certificate [~~papers~~]
8 issued to the person that contains the person's photograph;

9 (5) a United States passport issued to the person;

10 (6) a student identification card issued by a public
11 or private institution of higher education located in Texas that
12 contains the person's photograph [~~official mail addressed to the~~
13 ~~person by name from a governmental entity]; or~~

14 (7) a license to carry a concealed handgun issued to
15 the person by the Department of Public Safety.

16 (b) The following documentation is acceptable as proof of
17 identification under this chapter:

18 (1) a copy of a current utility bill, bank statement,
19 government check, paycheck, or other government document that shows
20 the name and address of the voter;

21 (2) official mail addressed to the person by name from
22 a governmental entity;

23 (3) a certified copy of a birth certificate or other
24 document confirming birth that is admissible in a court of law and
25 establishes the person's identity;

26 (4) United States citizenship papers issued to the
27 person;

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1 (5) an original or certified copy of the person's
2 marriage license or divorce decree;

3 (6) court records of the person's adoption, name
4 change, or sex change;

5 (7) an identification card issued to the person by a
6 governmental entity of this state or the United States for the
7 purpose of obtaining public benefits, including veteran's
8 benefits, Medicaid, or Medicare;

9 (8) a temporary driving permit issued to the person by
10 the Department of Public Safety;

11 (9) a pilot's license issued to the person by the
12 Federal Aviation Administration or another authorized agency of the
13 United States;

14 (10) a library card that contains the person's name
15 issued to the person by a public library located in this state; or

16 (11) a hunting or fishing license issued to a person by
17 the Parks and Wildlife Department ~~or~~

18 ~~[(8) any other form of identification prescribed by~~
19 ~~the secretary of state].~~

20 SECTION 6. Section 63.011(a), Election Code, is amended to
21 read as follows:

22 (a) A person to whom Section 63.001(g), 63.008(b), or
23 63.009(a) applies may cast a provisional ballot if the person
24 executes an affidavit stating that the person:

25 (1) is a registered voter in the precinct in which the
26 person seeks to vote; and

27 (2) is eligible to vote in the election.

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1 SECTION 7. Section 521.422, Transportation Code, is amended
2 by amending Subsection (a) and adding Subsection (d) to read as
3 follows:

4 (a) Except as provided by Subsection (d), the ~~The~~ fee for
5 a personal identification certificate is:

- 6 (1) \$15 for a person under 60 years of age;
7 (2) \$5 for a person 60 years of age or older; and
8 (3) \$20 for a person subject to the registration
9 requirements under Chapter 62, Code of Criminal Procedure.

10 (d) The department may not collect a fee for a personal
11 identification certificate issued to a person who executes an
12 affidavit stating that the person is financially unable to pay the
13 required fee and:

14 (1) who is a registered voter in this state and
15 presents a valid voter registration certificate; or

16 (2) who is eligible for registration under Section
17 13.001, Election Code, and submits a registration application to
18 the department.

19 SECTION 8. This Act takes effect September 1, 2005.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 17, 2005

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1706 by Denny (Relating to requiring a voter to present proof of identification.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB1706, As Introduced: an impact of \$0 through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from TEXAS MOBILITY FUND 365
2006	(\$130,110)
2007	(\$130,110)
2008	(\$130,110)
2009	(\$130,110)
2010	(\$130,110)

Fiscal Analysis

The bill amends Election Code to require a voter to present additional identification items in addition to the voter registration certificate and expands the current list of documentation acceptable as proof of identification. It also amends Transportation Code to allow the Department of Public Safety to issue a personal identification certificate (ID) at no cost to individuals who execute an affidavit stating they are unable to pay the required fee. A resulting revenue loss to the Texas Mobility Fund is anticipated.

Methodology

The estimate is based on the total number of ID holders who were registered to vote in 2004 multiplied by the product of the U.S. Census' estimated population living below the poverty level in Texas multiplied by the \$15 cost for original and renewal issuances of a personal IDs.

Local Government Impact

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No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State, 405 Department of Public Safety

LBB Staff: JOB, LB, SJ, NR, KJG